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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 05-0003
)
DIANA R. MCCOURT, an individual)
formerly known as Diana R. Cziraky; and)
SIBERIAN TIGER CONSERVATION)
ASSOCIATION, a Delaware corporation;)
)
Respondents) Consent Decision and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued thereunder (9 C.F.R. § 1.1 *et seq.*). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in the complaint, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree to the entry of this decision for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Diana R. McCourt is an individual formerly known as Diana R. Cziraky, and whose address is 22143 Deal Road, Gambier, Ohio 43022. At all times mentioned herein, said respondent was an exhibitor, as that term is defined in the Act and the Regulations.

2. Respondent Siberian Tiger Conservation Association is a Delaware corporation whose agent for service of process is The Corporation Trust Company, Corporation Trust Center,

1209 Orange Street, Wilmington, Delaware 19801. At all times mentioned herein, said respondent was an exhibitor, as that term is defined in the Act and the Regulations.

Conclusions of Law

The respondents have admitted the jurisdictional facts, the parties have agreed to the entry of this decision, and therefore such decision will be entered.

Order

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall not violate the Act and the Regulations and Standards.

2. Respondents Diana R. McCourt and Siberian Tiger Conservation Association are jointly and severally assessed a civil penalty of \$10,000, which is hereby suspended provided that the respondents are not found, after notice and opportunity for a hearing, to have violated the Act and the regulations and standards for a period of five years from the effective date of this order.


3. Respondents shall not engage in any activity for which a license is required under the Animal Welfare Act (AWA) and the Regulations. Respondents may contact Dr. Elizabeth Goldentyer, USDA, APHIS, Animal Care, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606, Tele: 919-855-7100, if they have any questions concerning activities which they may engage in without being required to be licensed under the AWA and Regulations.

This order shall become effective on the first day after service of this decision on the respondents.

Copies of this decision shall be served upon the parties.


SIBERIAN TIGER CONSERVATION
ASSOCIATION
a Delaware corporation
Respondent


By 


Its President 




Diana R. McCourt
Respondent


Frank Martin, Jr.
Attorney for Complainant


Richard D. Robbins
Attorney for Respondents

Done at Washington, D.C.
this 20th day of March, 2006 


Administrative Law Judge